



Education Act 1944

1944 CHAPTER 31

PART II

THE STATUTORY SYSTEM OF EDUCATION.

FURTHER EDUCATION.

41 General duties of local education authorities with respect to further education.

Subject as hereinafter provided, it shall be the duty of every local education authority to secure the provision for their area of adequate facilities for further education, that is to say:—

- (a) full-time and part-time education for persons over compulsory school age ;
and
- (b) leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose :

Provided that the provisions of this section shall not empower or require local education authorities to secure the provision of facilities for further education otherwise than in accordance with schemes of further education or at county colleges.

42 Schemes of further education.

- (1) Every local education authority shall, at such times and in such form as the Minister may direct, prepare and submit to the Minister schemes of further education for their area, giving particulars of the provision which the authority propose to make for fulfilling such of their duties with respect to further education, other than duties with respect to county colleges, as may be specified in the direction.
- (2) Where a scheme of further education has been submitted to the Minister by a local education authority, the Minister may, after making in the scheme such modifications if any as after consultation with the authority he thinks expedient, approve the scheme,

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and thereupon it shall be the duty of the local education authority to take such measures as the Minister may from time to time, after consultation with the authority, direct for the purpose of giving effect to the scheme.

- (3) A scheme of further education approved by the Minister in accordance with the provisions of this section may be modified supplemented or replaced by a further scheme prepared submitted and approved in accordance with those provisions, and the Minister may give directions revoking any scheme of further education, or any provision contained in such a scheme, as from such dates as may be specified in the directions, but without prejudice to the preparation submission and approval of further schemes.
- (4) A local education authority shall, when preparing any scheme of further education, have regard to any facilities for further education provided for their area by universities, educational associations, and other bodies, and shall consult any such bodies as aforesaid and the local education authorities for adjacent areas ; and the scheme, as approved by the Minister, may include such provisions as to the co-operation of any such bodies or authorities as may have been agreed between them and the authority by whom the scheme was submitted.

43 County colleges.

- (1) On and after such date as His Majesty may by Order in Council determine, not later than three years after the date of the commencement of this Part of this Act, it shall be the duty of every local education authority to establish and maintain county colleges, that is to say, centres approved by the Minister for providing for young persons who are not in full-time attendance at any school or other educational institution such further education including physical practical and vocational training, as will enable them to develop their various aptitudes and capacities and will prepare them for the responsibilities of citizenship.
- (2) As soon after the date of the commencement of this Part of this Act as the Minister considers it practicable so to do, he shall direct every local education authority to estimate the immediate and prospective needs of their area with respect to county colleges having regard to the provisions of this Act, and to prepare and submit to him within such time and in such form as may be specified in the direction a plan showing the provision which the authority propose to make for such colleges for their area, and the plan shall contain such particulars as to the colleges proposed to be established as may be specified in the direction.
- (3) The Minister shall, after considering the plan submitted by a local education authority and after consultation with them, make an order for the area of the authority specifying the county colleges which it is the duty of the authority to maintain, and the order shall require the authority to make such provision for boarding accommodation at county colleges as the Minister considers to be expedient: the order so made for any area shall continue to regulate the duties of the local education authority in respect of the matters therein mentioned and shall be amended by the Minister, after consultation with the authority, whenever in his opinion the amendment thereof is expedient by reason of any change or proposed change of circumstances.
- (4) The Minister may make regulations as to the maintenance government and conduct of county colleges and as to the further education to be given therein.

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44 Duty to attend county colleges in accordance with college attendance notices.

- (1) This section shall come into operation on such date as soon as practicable after the date determined by Order in Council under the last foregoing section as the Minister may by order direct.
- (2) It shall be the duty of the local education authority to serve upon every young person residing in their area who is not exempt from compulsory attendance for further education a notice (hereinafter referred to as a "college attendance notice") directing him to attend at a county college, and it shall be the duty of every young person upon whom such a notice is served to attend at the county college named in the notice in accordance with the requirements specified therein.
- (3) Subject to the provisions of the next following subsection, the requirements specified in a college attendance notice shall be such as to secure the attendance of the person upon whom it is served at a county college—
 - (a) for one whole day, or two half-days, in each of forty-four weeks in every year while he remains a young person ; or
 - (b) where the authority are satisfied that continuous attendance would be more suitable in the case of that young person, for one continuous period of eight weeks, or two continuous periods of four weeks each, in every such year ;

and in this section the expression "year" means, in relation to any young person, in the case of the first year the period of twelve months beginning with the first day on which he is required by a college attendance notice served on him to attend a county college, and in the case of every subsequent year the period of twelve months beginning immediately after the expiration of the last preceding year:

Provided that in respect of the year in which the young person attains the age of eighteen the requirements specified in the notice shall be reduced to such extent as the local education authority think expedient for securing that the attendances required of him until he attains that age shall be as nearly as may be proportionate to those which would have been required of him during a full period of twelve months.

- (4) If, by reason of the nature of the employment of any young person or of other circumstances affecting him, the local education authority are satisfied that attendance in accordance with the provisions of the last foregoing subsection would not be suitable in his case, a college attendance notice may, with the consent of the young person, require his attendance in accordance with such other arrangements as may be specified in the notice, so, however, that the requirements specified in the notice in accordance with such arrangements as aforesaid shall be such as to secure the attendance of the young person for periods amounting in the aggregate to three hundred and thirty hours in each year, or, in the case of the year in which he attains the age of eighteen, to the proportionately reduced number of hours.
- (5) Except where continuous attendance is required, no college attendance notice shall require a young person to attend a county college on a Sunday or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, or, so far as practicable, during any holiday or half-holiday which is allowed in accordance with any custom of his employment, or between the hours of six in the evening and half past eight in the morning:

Provided that the Minister may, on the application of any local education authority, direct that in relation to young persons in their area or in any part thereof employed

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at night or otherwise employed at abnormal times this subsection shall have effect as if for the reference to the hours of six in the evening and half past eight in the morning there were substituted a reference to such other times as may be specified in the direction.

- (6) The place, days, times, and periods, of attendance required of a young person, and the period for which the notice is to be in force, shall be specified in any college attendance notice served on him ; and the requirements of any such notice in force in the case of a young person may be amended as occasion may require either by the authority by whom it was served on him or by any other local education authority in whose area he may for the time being reside, so, however, that the provisions of every such notice shall be such as to secure that the requirements imposed on the young person during each year while he remains a young person shall comply with the provisions of the last three foregoing subsections.
- (7) In determining what requirements shall be imposed upon a young person by a college attendance notice or by any amendments to such a notice, the local education authority shall have regard, so far as practicable, to any preference which he, and in the case of a young person under the age of sixteen years his parent, may express, to the circumstances of his employment or prospective employment, and to any representations that may be made to the authority by his employer or any person proposing to employ him.
- (8) The following persons shall be exempt from compulsory attendance for further education, that is to say—
- (a) any person who is in full-time attendance at any school or other educational institution (not being a county college);
 - (b) any person who is shown to the satisfaction of the local education authority to be receiving suitable and efficient instruction either full-time or for such times as in the opinion of the authority are equivalent to not less than three hundred and thirty hours instruction in a period of twelve months;
 - (c) any person who having been exempt under either of the last two foregoing paragraphs did not cease to be so exempt until after he had attained the age of seventeen years and eight months;
 - (d) any person who is undergoing a course of training for the mercantile marine or the sea fishing industry approved by the Minister or who, having completed such a course, is engaged in the mercantile marine or in the said industry ;
 - (e) any person to whom, by reason of section one hundred and fifteen or section one hundred and sixteen of this Act, the duties of local education authorities do not relate ;
 - (f) any person who attained the age of fifteen years before the date on which this section comes into operation, not being a person who immediately before that date was required to attend a continuation school under the provisions of the Education Act, 1921.

If any person is aggrieved by a decision of a local education authority given under paragraph (b) of this subsection, he may refer the question to the Minister, who shall give such direction thereon as he thinks fit.

- (9) If any young person upon whom a college attendance notice has been served fails to comply with any requirement of the notice, he shall be guilty of an offence against this section unless he proves either—

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- (a) that he was at the material time exempt from compulsory attendance for further education ; or
- (b) that he was prevented from complying with the requirement by reason of sickness or any unavoidable cause ; or
- (c) that the requirement does not comply with the provisions of this section.

45 Administrative provisions for securing attendance at county colleges.

- (1) For the purpose of facilitating the execution by local education authorities of their functions under the last foregoing section, the following provisions shall, on and after the date on which that section comes into operation, have effect, that is to say :—
- (a) every young person who is not exempt from compulsory attendance for further education shall at all times keep the local education authority in whose area he resides informed of his proper address ;
 - (b) any person by whom such a young person as aforesaid is employed otherwise than by way of casual employment shall notify the local education authority for the area in which the young person resides when the young person enters his employment and again when he ceases to be employed by him, and shall also notify the authority of any change of address of the employer, and, if known to him, of the young person, which occurs during the continuance of the employment ;
- and any person who fails to perform any duty imposed on him by the foregoing provisions of this section shall be guilty of an offence against this section.
- (2) The local education authority by whom a college attendance notice is served upon any young person shall serve a copy thereof upon any person who notifies the authority that the young person is employed by him.
- (3) The Minister may by regulations make provision as to the form of college attendance notices, as to consultation and the exchange of information between different local education authorities, as to the issue of certificates of exemption in respect of young persons who are exempt from compulsory attendance for further education, and generally for the purpose of facilitating the administration by local authorities of the provisions of this Part of this Act as to attendance at county colleges.
- (4) The Minister and the Minister of Labour shall issue instructions to local education authorities and to local offices of the Ministry of Labour respectively for ensuring due consultation and exchange of information between such authorities and offices.
- (5) Any certificate of exemption in the prescribed form purporting to be authenticated in the prescribed manner shall be received in evidence in any legal proceeding, and shall unless the contrary is proved, be sufficient evidence of the fact therein stated.

46 Enforcement of attendance at county colleges.

- (1) Any person guilty of an offence against either of the last two foregoing sections shall be liable on summary conviction, in the case of a first offence against that section to a fine not exceeding one pound, in the case of a second offence against that section to a fine not exceeding five pounds, and in the case of a third or subsequent offence against that section to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

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- (2) It shall be the duty of the local education authority in whose area the young person in question resides to institute proceedings for such offences as aforesaid wherever, in their opinion, the institution of such proceedings is expedient, and no such proceedings shall be instituted except by or on behalf of a local education authority.
- (3) If, in furnishing any information for the purposes of either of the last two foregoing sections, any person makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) Without prejudice to the provisions of any enactment or rule of law relating to the aiding and abetting of offences, if the parent of a young person or any person by whom a young person is employed or the servant or agent of any such person has conducted to or connived at any offence committed by the young person against either of the last two foregoing sections, the person who has conducted to or connived at the offence shall, whether or not any person is proceeded against or convicted in respect of the offence conducted to or connived at, be guilty of the like offence and punishable accordingly.

47 Interim provisions as to further education.

Until the date upon which a scheme of further education is first approved by the Minister for the area of a local education authority under the foregoing provisions of this Part of this Act, the authority shall, unless the Minister otherwise directs, continue to maintain or assist any school or other educational institution which, immediately before the date of the commencement of this Part of this Act was maintained or assisted by them or by the council of any county district within their area, under the powers conferred by section seventy of the Education Act, 1921, not being a school or institution which under this Act is maintained or assisted as a secondary school, and may, in accordance with arrangements approved by the Minister, provide such additional facilities for further education, other than education at county colleges, as appear to the authority to be expedient for meeting the needs of their area.